

Understanding Child Support: *A Handbook for Parents*

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Child support definitions

Every child needs financial and emotional support. Every child has the right to support from both parents. Even when parents do not live together, it is important they work together to support their child. With the involvement of both parents, children get the chance they need and deserve to reach their full potential.

Michigan's child support program helps parents establish a financial partnership. This handbook gives you general information about child support in Michigan.

Before you begin, here is a list of definitions that will help you with this handbook:

Child support:

The payment of money for a child that is ordered by the circuit court. Support may include payment of the expenses of medical, dental, and other health care, child care expenses, and educational expenses.

Contempt of court:

Not doing what the court has ordered you to do.

Custodial party:

The person who has the primary care, custody and responsibility of a minor child.

Disbursement:

The paying out of collected child support funds.

Paternity:

Fatherhood; a legal father for a child.

Paternity establishment:

A procedure to confirm a legal father of a child born to an unmarried woman. Paternity may be established voluntarily by signing a paternity affidavit, or by entering a court order.

Minor child:

A person under the age of 18 years.

Non-custodial parent:

Parent not living with the minor child. (Also see *payer*.)

Payer:

Parent who owes or pays child support. (Also see *non-custodial parent*.)

Public assistance:

Cash assistance (Family Independence Program [FIP]), Child Development and Care (CDC), Food Assistance Program (FAP), Medicaid, or foster care.

What is child support?

Child support is money a parent pays to help meet his/her child's needs when the parent is not living with the child. The court orders the support. The support may be part of a court order in a:

- Divorce;
- Paternity action;
- Child custody action;
- Family support action; or
- Interstate action.

Parents or custodians who want help in establishing or collecting child support may apply for IV-D child support services.

What is "IV-D"?

Title IV-D (pronounced *four-dee*) of the Social Security Act establishes the child support program and sets the requirements that all states' child support programs must meet in order to receive federal funding. Often, the child support program is referred to as the "Title IV-D Program" or "IV-D Program." Parents and custodians can receive help in establishing and enforcing child support and medical support through the IV-D program.

Who can receive child support?

A person can receive child support if:

- (S)he is the parent of a minor child or is the person who has custody of a minor child;
- The minor child lives in the person's home;
- The child is financially dependent on that person;
- One or both of the child's parents do not live with the child; and
- The court has ordered a child support payment.

Under Title IV-D of the Social Security Act (IV-D program) what child support services are available?

Services provided by Michigan's child support program include:

- Locating parents;
- Establishing paternity;
- Establishing court orders for child support, medical support and child care expenses;
- Adjusting court orders when appropriate;
- Enforcing court orders for child support, medical support and child care expenses;
- Working with other states to enforce support when one parent does not live in Michigan, or has assets in another state; and
- Collecting and processing child support payments.

What child support services are *not* available in the IV-D program?

Michigan's child support program does **not** provide:

- Divorce assistance;
- Spousal maintenance (alimony) order establishment;
- Enforcement of spousal support order;
- Legal advice or counsel; or
- Custody and parenting time assistance.

These are non-IV-D services. Contact your Friend of the Court office for additional information.

How does the Michigan child support program work?

Three offices partner to deliver services available in the Michigan child support program: the Office of Child Support, the Prosecuting Attorney's Office, and the Friend of the Court office.

An important goal of the child support program is to help families become or remain self-sufficient by improving child support collections. By working with both parents to establish and enforce support orders, Michigan's child support program helps a child receive financial support, medical support, and help with child care expenses.

The Office of Child Support, the Prosecuting Attorney's Office, and the Friend of the Court office perform certain duties within the child support program. Below is an explanation of these offices and their functions.

Office of Child Support

In Michigan, the Office of Child Support is part of the Department of Human Services (DHS). Child support specialists in the Office of Child Support can assist families by:

- Helping to locate a non-custodial parent;
- Providing information about voluntary paternity establishment;
- Making a referral to establish paternity and/or obtain a support order;
- Referring an existing support order for enforcement; and
- Helping decide what action to take in an interstate case.

If you go on public assistance, you may be contacted by the Office of Child Support for a review of what services your family needs.

Prosecuting Attorney's Office

The Prosecuting Attorney's Office establishes court orders for support and helps locate non-custodial parents. You may be asked to appear at the Prosecuting Attorney's Office to begin a child support action.

Friend of the Court Office

The Friend of the Court office:

- Enforces support orders;
- Modifies orders;
- Registers Michigan orders in other states;
- Initiates interstate income withholding; and
- Assists in locating non-custodial parents.

How can I apply for IV-D child support services?

If you are a mother or father of a minor child, or have responsibility for the care of a minor child, you can apply for child support services through the Office of Child Support. There are two toll-free numbers you can call to start the application for services, or to ask for general child support information:

1-866-540-0008 or 1-866-661-0005

If you have Internet access, you may go to the DHS public Web site at: www.michigan.gov/dhs-forms to find and print the application form, the *IV-D Child Support Services Application/Referral* (DHS-1201).

You may complete the application form, or written request for child support services, and send it to:

Michigan Office of Child Support
Central Functions Unit

P.O. Box 30744
Lansing, MI 48909

Or you may send a completed application form or a written request for IV-D child support services to your local:

- DHS office;
- Prosecuting Attorney's office; or
- Friend of the Court office.

Is there a cost or fee for child support services?

Michigan will collect a \$25 yearly fee for IV-D child support cases **that meet all of the following requirements:**

- The custodial party has **never** received cash assistance for a child named in the support order;
- The custodial party does **not** currently receive food assistance for a child named in the order; and
- The custodial party has received a total of at least \$500 in support payments during each fiscal year (October through September).

Once an order for child support has been established, federal and state laws require that if the case meets all of the above requirements, Michigan will collect the \$25 fee. The fee will be collected from the custodial party's support payment after (s)he has received \$500. A separate \$25 fee will be collected on each case that meets the requirements listed above. Michigan will only collect the \$25 fee on each case once per fiscal year.

After I apply, what else must I do?

You need to take an active role in your case. Cooperation with the child support program will improve your chances of getting an appropriate support order started and getting regular child support payments. The child support office cannot succeed without your help.

You will need to provide your Social Security number to Michigan's child support program to get services for the establishment of paternity and the establishment, modification, and enforcement of child support obligations. Providing your Social Security number to the child support program is required by federal law (Social Security Act, 42 United States Code (USC) 666(a)(13)).

You must report changes that may affect your case. You must report when:

- You or the non-custodial parent moves;
- You or the non-custodial parent gets a new phone number;
- You or the non-custodial parent gets a new job;
- The number of children living with you changes;
- You have new information that might help locate the non-custodial parent;
- You have new information about medical insurance;
- You apply for public assistance; or
- You are involved in other court actions (for example, a divorce action) regarding support payments.

What if I am receiving public assistance?

Your DHS specialist will refer you for child support services when:

- You are receiving public assistance (including cash assistance, food assistance, child day care or Medicaid);
- You have a minor child in your home; and
- One or both of the parents do not live with the child.

You will receive a letter about the child support program from a child support specialist. You must contact the support specialist when you receive the letter. To continue receiving your full public assistance benefits, you must work with the Office of Child Support, the Prosecuting Attorney's Office, and the Friend of the Court.

Cooperation

You are required to cooperate with child support activities unless you have an approved good-cause claim (see the "Good Cause" section below). If you do **not** cooperate with child support actions, your DHS benefits may be lowered and your eligibility may end for food assistance, Medicaid, Child Development and Care, cash assistance, and State Emergency Relief. Contact your DHS specialist for more information about how your program eligibility may be affected.

Good Cause

DHS will **not** require you to pursue paternity or child support under specific circumstances. You may be eligible to claim good cause for not cooperating to get child support when there is danger of physical or emotional harm to you or your child. To claim good cause, contact your DHS specialist, discuss your circumstances, and ask to complete the *Claim of Good Cause* form (DHS-2168). You may be asked to provide proof regarding your request.

If I receive public assistance, will I still get my child support payments?

If you are a custodial party who is receiving public assistance, some or all of your child support may be sent (assigned) to the state to pay back some of the money the state provides to you and the child(ren). The child support office will provide you with information about your specific situation.

Medical support payments for children receiving Medicaid benefits will be sent (assigned) to the Michigan Department of Community Health.

If the total support collected is more than your cash benefits for at least two months, DHS may close your FIP case so you can receive the child support payments directly.

If I apply for child support services, do I have any rights?

Yes, you have the right to:

- Receive fair and nondiscriminatory treatment;
- Have all your private data treated confidentially;
- Be notified of all important actions concerning your case;
- Participate in any court action involving your case; and
- Ask for reviews and adjustments of your support order.

What must be done before I can get a child support order?

Identify both parents who are responsible for the child

Every child has both a biological mother and a biological father. The biological father is the man whose sperm joined the mother's egg to create the baby. The legal father may not be the biological father. The legal father is the man the law recognizes as the father of the child.

When a married couple has a child, the law automatically recognizes the husband as the child's legal father; therefore, paternity does not need to be determined.

When an unmarried woman has a child, an official action is needed to establish the legal father of the child. This official action is called "paternity establishment."

Paternity can be established in the following ways:

- If a child is born to an unmarried mother, she and the man claimed to be the father can sign an *Affidavit of Parentage* form to legally establish the father's legal rights; or
- The mother and the man claimed to be the father can ask the court to determine the legal father of the child.

Genetic testing may be done to determine the biological father of a child. A man claimed to be the father may want proof that he is the biological father of the child before he is named the legal father. In that case, he may request genetic testing. This testing may show that the man is **not** the biological father of the child, or it may show greater than 99 percent likelihood that the man is the father.

Once legal parents have been identified, an order for child support can be established.

It is important to establish the legal father of a child

Establishing paternity gives a child born outside of marriage the same legal rights as a child born to married parents. A child with a legal father is entitled to benefits through the father. These benefits include Social Security benefits, veterans benefits, and inheritance rights. Children may also benefit by knowing their family's biological, cultural, and medical history.

The child support office may assist either parent in establishing paternity for a child who does not have a legal father. Paternity must be established before the court can establish an order to pay child support.

Locate both parents responsible for the child

To obtain a child support order, the Prosecuting Attorney's Office must notify the parties (most often the legal parents) that it is trying to establish an order. In some cases, no court action can be taken if one of the parents cannot be located.

If the Prosecuting Attorney's Office does not know the whereabouts of the people involved in the court action, there are many places from which to gather information, such as:

- Unemployment records;
- Public assistance and food assistance records;
- Motor vehicle registration and driver's license records;
- Department of Natural Resources records;
- U.S. Postal Service;
- Current and previous employers;
- Current and previous utility companies;
- Law enforcement agencies, and parole and probation offices;
- State licensing boards;
- Military records; and
- The Federal Case Registry, including the National Directory of New Hires.

How are support orders established?

The Office of Child Support (usually through the Prosecuting Attorney) or a parent may ask the court to issue a support order. The court generally orders the non-custodial parent to provide support for the child who is living with the other parent. The court sets the amount of child support, medical support, and child care support a parent must provide.

How is the amount of child support determined?

In Michigan, the amount of child support is determined using the guidelines established by the Supreme Court. Child support guidelines are based on the monthly net income of both parents.

The court reviews child support agreements to make sure the guidelines are applied correctly and the child support amount is appropriate. In some cases, the court may decide not to use the income guidelines to determine the amount of child support.

For more information, see the *Michigan Child Support Formula Manual* available from the State Court Administrative Office (SCAO), or on the SCAO Web site at: www.courts.mi.gov/scao/services/focb/mcsf.htm.

What other types of support can be ordered?

In addition to cash child support, there are two other types of support that can be ordered: medical support and child care expenses.

Medical support

Michigan law states that the court must order one or both parents to obtain or maintain health care coverage (i.e., health insurance) that is available to them at a reasonable cost. The support order defines "reasonable cost," but generally, insurance is considered "reasonable" if the cost to enroll the children does not exceed five percent of the providing parent's gross income. The court may set a dollar limit on what a parent has to spend for the cost of health insurance. The court may also order one or both parents to pay for health care expenses not covered by insurance.

Child care expenses

It is possible to have an order adjustment when a custodial party has work-related child care expenses, and the child is under 12 years old. Work-related child care expenses are those that allow the parent to look for employment, keep paid employment, or to enroll in and attend an educational program that improves employment opportunities. Using each parent's income, the court determines the parents' order amount for this expense.

How do I make a child support payment?

The Michigan State Disbursement Unit (MiSDU) is responsible for the receipt and disbursement of child support payments in Michigan. Child support payments must be submitted to the MiSDU.

What are my payment options?

If you have a child support case with the Friend of the Court, child support may be deducted from your income. This is called income withholding. Income withholding is mostly done by employers. Employers will send the withholdings directly to the MiSDU. If you do not qualify for income withholding, you have several payment options:

- Check;
- Money order;
- Cashier's check;
- Certified check;
- Credit/debit card (debit cards must have the VISA/MasterCard logo);
- Web payment on <https://www.misdu.com>;
- Pay by phone; or
- Pay via Western Union.

Payments must be sent to:

**Michigan State Disbursement Unit
P.O. Box 30351
Lansing, MI 48909-7851**

How do I contact the MiSDU for more information?

You can contact the MiSDU by calling your local Friend of the Court IVR (Interactive Voice Response) number and following the prompts to the MiSDU.

The MiSDU customer services staff are available Monday through Friday from 7:30 a.m. to 6 p.m., excluding holidays.

For more information about the MiSDU, or to obtain forms and IVR telephone numbers, you can go to the Web site: <https://www.misdu.com>.

How is child support paid to me?

It is important that families receive their child support payments as quickly as possible. Any delay can quickly and seriously threaten a family's budget. For this reason, states are required to distribute most payments within two days of their receipt. Each state has established a State Disbursement Unit (SDU)—a single unit to receive and send out payments for child support. In Michigan, the MiSDU is required by law to send child support payments electronically. For additional information about how child support collections are applied to each child support order and then distributed, go to the following Web site:

<https://www.misdu.com/Secure/Portals/0/distallocation.pdf>
(Allocation and Distribution of Child Support Payments).

What does electronic disbursement of child support mean?

Electronic disbursement of child support means that the custodial party receives payments either through direct deposit to a personal checking or savings bank account, or to a debit card. This is a specific debit card used for child support payments only. It comes from a bank that works with the MiSDU for this purpose. The custodial party can choose which option (s)he wants. Electronic payment provides custodial parties with a safe, efficient, and convenient method for receiving payments.

What is a debit card?

The debit card is issued by a bank. Each time child support payments are collected, the MiSDU electronically deposits them to the debit card. Debit cardholders can only use the money that has been deposited to their debit card account; they cannot add funds to a debit card.

Are there any exceptions to receiving child support electronically?

Yes. The law allows some custodial parties to continue receiving support payments by check. Special consideration is given to people for whom it would be too difficult to access electronic payments. This includes people with a mental or physical disability, or a language or literacy barrier.

In addition, people with both home and work addresses that are more than 30 miles from an automated teller machine (ATM) or their financial institution may continue to receive support payments by check. If you think you meet any of these special considerations and do not want electronic payments, contact the MiSDU.

What happens when a parent doesn't pay child support?

The Friend of the Court is responsible for enforcing a support order. Below are some enforcement methods the Friend of the Court may use when a payer does not meet the requirements of a child support order.

Income withholding

In Michigan, most child support orders require “immediate” income withholding for cash support. “Immediate” means that the child support payment is withheld as soon as the court order is entered and sent to the source of income. The Friend of the Court office will send an Income Withholding Notice (IWN) to withhold child support from the source of income. Income sources for withholding include employment, Social Security, unemployment compensation, and workers’ compensation. The source of income must send the payer’s child support payment directly to the MiSDU.

The IWN may also require that support be withheld from any lump-sum payment which can include a bonus, commissions, or severance pay issued by a source of income.

Tax refund intercept

The child support office may collect support from a non-custodial parent’s federal and state income tax refund. However, there is no guarantee that monies will be collected (for example, the non-custodial parent may not be owed a refund, or there may be other claims against the same refund). To be eligible for federal tax refund offset, the payer must be at least \$150 past-due on support owed to the state, or \$500 past-due on support owed to the family.

Intercepted federal tax refunds will apply first to any past-due child support owed to the state because the family is currently receiving, or has received cash assistance in the past. If the family has never received cash assistance, or there is no past-due support owed to the state, then all collections from the federal tax refund offset collected as child support will be applied to past-due support owed to the family. If all past-due support owed to the custodial party is paid, excess amounts withheld from the non-custodial parent’s federal tax refund will be returned to the non-custodial parent.

Intercepted federal tax refund offsets may also be applied to past-due support owed to the state when a child(ren) has been in DHS-supervised foster care.

If the payer files a joint income tax return, the current spouse of the payer has the right to file an injured spouse claim with the Internal Revenue Service (IRS) for his/her portion of the refund. An injured spouse claim may be filed before or after the intercepted federal tax refund is received by the child support office. Because all or a portion of the received refund may be returned to the IRS for an injured spouse claim, all intercepts received from joint tax returns will be held for six months before they are disbursed to the custodial party.

Intercepted state tax refund offsets will apply to all child support obligations as if the collection were an extra payment directly from the non-custodial parent. This means that, unlike federal tax refund collections, current support will be paid first, then past-due support to the family, then any past-due support owed to the state.

Consumer (credit bureau) reporting

The Friend of the Court must report to a consumer reporting agency (credit bureau) the past-due amount for each payer with two or more months of unpaid support. Lenders will often obtain a person’s credit report from a consumer reporting agency when deciding whether to approve a loan or other credit to the person. If the credit report shows a history of untimely support payments or a large past-due amount, the lender may deny the person a loan or other credit.

Contempt of court (show cause) hearing

If support is not paid on time, the Friend of the Court or a party to the court order may begin a contempt action (known as a “show cause” hearing) by filing papers requiring the payer to appear in court.

If the court finds the payer in contempt, the court may require a payment toward child support or send the person to jail. If it appears to the court that the payer may go to jail, the court is required to provide an attorney for a payer who cannot afford a private attorney.

If a payer does not appear for a “show cause” hearing, the judge may order a bench warrant for the payer’s arrest so that (s)he may be brought before the court.

Liens

A lien is a claim against real or personal property. Once a person holding the property or the property title or ownership is informed of the lien, that person must not allow the property or property ownership to be transferred until the lien is released.

Property can be seized and the proceeds used to pay past-due child support amounts if the payer is over two months behind in child support payments.

Passport denial

The U.S. State Department reviews passport applications to see if past-due child support is owed. Passport applications may be denied if non-custodial parents:

- Are at least \$2,500 past-due in their child support obligations; or
- Are not making payments agreed upon in a payment plan.

License suspension

Driver’s licenses, occupational licenses and recreational/sporting licenses may be suspended for non-custodial parents who:

- Are at least two months behind in paying their child support obligations;
- Are not making payments agreed upon in a payment plan; or
- Fail to appear for a show cause hearing.

An occupational license from a state, county, or municipal board or agency is required for some occupations, professions, or vocations (for example, electricians, realtors, barbers, plumbers). Recreational and sporting licenses include licenses for hunting, fur harvesting, or non-commercial fishing.

What happens when one parent does not live in Michigan?

The most difficult cases to enforce are those in which the non-custodial parent lives in one state and the child and custodial party live in another. However, all states must provide child support services regardless of where the other parent lives. For example,

when a custodial party lives in another state, Michigan collects child support from the non-custodial parent and sends the support to the other state.

Federal law requires states to work together to establish and enforce a child support order. State child support agencies must help each other in handling requests for assistance.

You make a difference!

As you work with the child support program to establish a financial partnership in support of your child, remember that not all solutions to child support problems are within your control. The legal rights of all parties must be guarded, and sometimes laws that protect the rights of one parent may seem unfair to the other.

The more you know about Michigan's child support program, the better you will be able to exercise your rights and responsibilities under the law, and the more successful you will be in providing support to your child.

Need more information?

If you would like more information about the child support program in Michigan, you may call: **1-866-540-0008 or 1-866-661-0005**

Or you may view the Michigan Child Support Web site at:
http://www.michigan.gov/dhs/0,1607,7-124-5453_5528---,00.html

FOR FUTURE REFERENCE

In the spaces below, you may list the contact information for the people who are handling your case.

Child Support Specialist:

Name _____
Phone _____

Prosecuting Attorney's Office:

Name _____
Phone _____
Location _____

Friend of the Court:

Name _____
Phone _____
Location _____

Department of Human Services (DHS) will not discriminate against any individual or group because of race, religion, age, national origin, color, height, weight, marital status, sex, sexual orientation, gender identity or expression, political beliefs or disability. If you need help with reading, writing, hearing, etc., under the Americans with Disabilities Act, you are invited to make your needs known to a DHS office in your area.

Legal authority: 45 CFR 303.2(a)(2); 45 CFR 302.30; 42 USC 654